

The present invention is directed to a multi piece solid golf ball made up of a core which consists of an inner and an outer portion and one or more layers of cover covering the core. In this structure, which is similar to the three-piece solid golf ball of Sugimoto et al., the dimensions and hardness of the various elements are controlled in a way which is distinct from and patentable over the Sugimoto et al. three-piece solid golf ball. The differences are as follows. The inner core diameter according to claim 1 of the present invention is 30 to 40.4 mm, whereas the inner core diameter according to Sugimoto et al. is 31 to 36 mm (column 2, line 35).

In the present invention, the inner core's center hardness in JIS-C measurement is lower than the surface of the inner core by 5 to 30. Whereas in Sugimoto et al. the center hardness of the inner core is greater than or equal to the surface hardness of the inner core (column 2, lines 52-54).

In the present invention, the outer layer core hardness in JIS-C measurement of the surface of the outer layer core is lower than the inner layer surface by 2 to 30, whereas in Sugimoto et al. the inner layer core surface is 5 to 25 lower than the outer layer core surface hardness (column 2, lines 55-57).

The thickness of the outer layer core in the present invention is 0.2 to 1.3 mm, whereas in Sugimoto et al. the thickness of the outer layer core is 1 to 5 mm (column 2, lines 60-61).

In the present invention, the diameter of the inner and the outer core layers is in the range of 30.2 to 41.7 mm as derived from the dimensions in claim 1 of the present application at lines 5 and 9, whereas in Sugimoto et al. the diameter of the inner plus the outer layer cores is 38.0 to 40.0 mm (column 2, lines 61-62). In the Examples of the specification, it is seen that the present invention has resulted in a three-piece solid golf ball with excellent performance for golfers who swing the golf club at high head speed as well as those golfers who swing the golf club at low head speed. Up to the present time, including the golf ball according to Sugimoto et al., there has been no golf ball which is suitable for all golfers who swing the golf club at high or low head speed. The present invention provides a three-piece solid golf ball which is long in flight distance and is suitable for golfers who swing the golf club at low head speed. But according to the present invention, the resultant three-piece solid golf ball not only has long flight distance, but has good shot feel when hit by an iron club or

putter. In contrast, the Sugimoto et al. three-piece solid golf ball shows poor shot feel for golfers having medium or low head speed, because the golf ball is not easily deformed when hit and requires much stronger force to deform because of its hardness distribution.

The Examiner's reliance on an argument as to the use of negative statistics is not understood. First of all, according to the Manual of Patent Examining Procedure, Section 2173.05(i), negative limitations are not prohibited in defining claims so long as the boundaries of the patent protection sought are set forth definitely and the main claim complies with the requirements of 35 U.S.C. 112, second paragraph. Sugimoto et al. is directed to a golf ball with a center hardness of the inner core that is greater than the surface hardness of the inner core since in column 2, at lines 52-54, Sugimoto et al. states that when the surface hardness exceeds the center portion hardness, shot feel is poor and the durability deteriorates, but in the present invention, the center hardness of the inner core is lower than the surface hardness of the inner core by 5 to 30 JIS-C. In contrast, Sugimoto et al., having a center hardness of the inner core greater than the surface hardness of the inner core, must have a surface hardness at least equal to or greater

than 60-85 JIS-C, which is the surface hardness of the inner core. Claim 1 of the present application does not have a limitation as to the cover of the three-piece solid golf ball, but it is stated at page 10 of the specification, lines 5 to 7, that the outermost layer has a thickness of 1.0 to 3.0 mm, preferably 1.5 to 2.4 mm. However, in differentiating from Sugimoto et al. and the present invention, the cover thickness is not an issue. The essential characteristics of the golf ball according to the present invention are defined in the present claim 1 and as stated above, these parameters are distinguishing over Sugimoto et al. and not obvious from Sugimoto et al. In view of the foregoing argument, it is respectfully requested that the Examiner reconsider the final rejection and favorably act on the present application by allowing this application.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward H. Valance (Reg. No.19,896) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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